

Applicant : McClure, et al.
Serial No. : 10/677,126
Filed : September 30, 2003
Page : 5 of 8

Attorney's Docket No.: 08168-048001

REMARKS

In a final office action dated July 8, 2005, pending claims 1-20 were finally rejected. Applicant respectfully traverses, and requests withdrawal of the final rejection.

Claims 1-2, 6-7, and 17-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Arntyr et al., U.S. Pat. No. 4,419,232 (hereinafter "Arntyr").

Claims 1, 3, 5-7, 9, 11, 13-15 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Etani et al., U.S. Pat. No. 3,954,621 (hereinafter "Etani"). Claims 2 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Etani in view of Dye, U.S. Pat. No. 5,672,271 (hereinafter "Dye"). Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Etani in view of Keith, U.S. Pat. No. 6,007,714 (hereinafter "Keith"). Claims 4 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Etani in view of Lincke, U.S. Pat. No. 6,572,765 (hereinafter "Lincke").

The rejections are addressed in turn below.

35 U.S.C. §102(b): Claims 1-2, 6-7 and 17-20 over Arntyr

Arntyr is directed to a filtering and collecting device for water drains, such as a drain in a paved roadway gutter or the like. The water drain has a protective grating 12 at its inlet. Arntyr teaches a filter device having a wire basket 2 that is insertable into a holder ring 1. As shown in FIG. 2, the holder ring 1 and wire basket 2 are placed adjacently under the protective grating 12 at the water drain inlet. A filtering bag 3 is mounted on the outer surface of the holder ring 1. The filtering bag 3 is formed of a flexible fabric so that it can conform to a displaced drain channel which Arntyr discloses is often found in practice (see col. 3, lines 50-60).

Amended claim 1 recites "a removable filter having a rigid housing and for being positioned at or near the water outlet of the compartment." This arrangement is superior because, as disclosed in the specification, the water outlet of the compartment typically provides water to a pool or spa, and that water needs to be filtered. Arntyr neither teaches nor suggests a filter having a rigid housing that is positioned at or near the water outlet of a floodable compartment. Quite oppositely, Arntyr teaches a filter only at or near an inlet of a drain,

Applicant : McClure, et al.
Serial No. : 10/677,126
Filed : September 30, 2003
Page : 6 of 8

Attorney's Docket No.: 08168-048001

whereby the outlet of such drain could be susceptible to particulates from other sources.

Accordingly, Arntyrr does not anticipate claim 1.

The rejection based on Arntyrr fails for other reasons as well. Claim 1 also recites "a strainer having a first end...configured to at least partially surround the filter near the water outlet." This limitation is neither shown nor suggested by Arntyrr. Claim 1 further recites "the second end is configured to contact the compartment at least partially around the filter at a point in the compartment between the water inlet and the water outlet." Arntyrr does not show contact of the filtering bag 3 to a floodable compartment, as recited by claim 1. Instead, Arntyrr clearly depicts and describes the filtering bag 3 as being mounted on the holder ring 1, and not contacting the compartment. Further, the filtering bag 3 is neither shown nor suggested to be able to contact the lower part of the drain 13, as recited in claim 1. Therefore, Arntyrr does not anticipate claim 1. Claims 2 and 6-7 is allowable over Arntyrr at least for its dependence on allowable claim 1.

The rejection of independent claim 17 based on Arntyrr fails for the same reasons set forth above. Claims 18-20 are allowable over Arntyrr at least for their dependence on allowable claim 17.

Accordingly, Applicants respectfully request a withdrawal of the rejection of claims 1-2, 6-7 and 17-20 based on Arntyrr. A notice of allowance of those claims is earnestly solicited.

35 U.S.C. §103(a): Claims 1, 3, 5-7, 9, 11, 13-15 and 17-20 over Etani

Etani discloses a prefilter for a filtration system having a prefilter and a main filter. The prefilter includes a reticulated cup 160 (which the rejection associates with the claimed strainer) that fits within a housing 150. As described by Etani, "within cup 160 is a prefilter bag 165 that is detachable from the cup 160...Prefilter bag 165 can be easily cleaned and can be removed from the cup 160 for replacement." The rejection associates the prefilter bag 165 with the claimed removable filter having a rigid housing.

The rejections of independent claims 1, 9 and 17 over Etani fail for several reasons. First, Etani neither teaches nor suggests the claimed removable filter with a rigid housing, as recited in claims 1, 9 and 17. Second, Etani does not teach that the removable prefilter bag 165, which the rejection purports to be the claimed removable filter, is positioned at or near the water

Applicant : McClure, et al.
Serial No. : 10/677,126
Filed : September 30, 2003
Page : 7 of 8

Attorney's Docket No.: 08168-048001

outlet of the floodable compartment. FIG. 5 of Etani clearly shows that removable prefilter bag 165 is spaced apart from the outlet 158 of compartment 150, and kept separated from the outlet 158 by what is shown to be a rigid cup 160. Accordingly, Etani teaches the reverse of the claimed invention.

The claimed invention yield starkly different results than the reverse filtering configuration of Etani, in that the claimed invention is suitable for use in removing the filter with rigid housing, such that the recited strainer is still in communication with a water outlet of the floodable compartment so as to not allow fine particulates from the filter to enter the water outlet.

Thus, Applicants respectfully assert that claims 1, 9 and 17 are patentable over Etani, and a notice to that effect is earnestly solicited. Claims 3, 5-7, 11, 13-15 and 18-20 are allowable at least for their dependence on an allowable base claim.

35 U.S.C. §103(a): Claims 2 and 10 over Etani in view of Dyer, Claims 8 and 16 over Etani in view of Keith, and Claims 4 and 12 over Etani in view of Lincke

For the reasons set forth above, claims 1 and 9 should be deemed allowable. Claim 2 is allowable at least for its dependence on claim 1. Claim 10 is allowable at least for its dependence on claim 9. Claim 8 is allowable at least for its dependence, albeit indirectly, on claim 1. Claim 16 is allowable at least for its dependence, albeit indirectly, on claim 9. Claim 4 is allowable at least for its dependence, albeit indirectly, on claim 1. Claim 12 is allowable at least for its dependence, albeit indirectly, on claim 9.

Accordingly, each of the pending claims in this application are allowable over the cited prior art references, and a notice of allowance is respectfully requested.

Applicant : McClure, et al.
Serial No. : 10/677,126
Filed : September 30, 2003
Page : 8 of 8

Attorney's Docket No.: 08168-048001

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/11/05


James P. Cleary
Reg. No. 45,843

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10555615.doc